



**THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF PUBLIC SAFETY**



Mitt Romney
Governor

Kerry Healey
Lieutenant Governor

Edward A. Flynn
Secretary

**MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY
400 Worcester Road**

Framingham, MA 01702-5399

Tel: 508-820-2000 Fax: 508-820-2030

WWW.MASS.GOV/MEMA

Stephen J. McGrail
Director

January 9, 2003

Ms. Annette Vietta-Cook
Secretary
US Nuclear Regulatory Commission
Washington, D.C. 20555-0001
Attn: Rulemaking and Adjudication Staff

Dear MS. Vietta-Cook:

The Nuclear Safety Division of the Massachusetts Emergency Management Agency (MEMA) would like to take the opportunity to comment on the Petition for Rulemaking filed by Lawrence T. Christian (Docket No. PRM-50-79) dated September 4, 2002 that requested the NRC amend its regulations regarding offsite emergency plans for all day care centers and nursery schools in the Emergency Planning Zone (EPZ) of nuclear power facilities in the United States.

Although we acknowledge the importance of having a radiological emergency response plan designed to encompass all residents of the Emergency Planning Zones, we feel some requests of the petition are overly prescriptive and too narrow in focus. Many of the suggestions made in the petition offer one solution to a problem which might be approached in many ways and at the same time not stretch limited state resources beyond their intent.

Listed below are four requests we are opposed to and why.

1. Request 3 - Requiring child safety seats would entail an additional expense on the part of the day care, utility or parent that we view as unreasonable. This is an overly prescriptive requirement that encroaches on state public safety laws.
2. Request 6 - Annual site inspections and licensing of day care centers and nursery schools is a province of state regulatory agencies.
3. Request 8 - Participating day cares currently use attendance rosters. Requiring ID cards and fingerprinting we feel would put an unnecessary burden on the facility and the reception center.
4. Request 10 - Forcing day care facilities to stockpile potassium iodide and distribute it to children may go against day care policies of medicine distribution. We feel that this should be an independent decision by each state.

January 9, 2003

We believe the following FEMA documents fully address the remaining petitioner's requests.

1. NUREG-0654, FEMA-REP-1
2. Guidance Memorandum EV-2 Protective Actions for School Children
3. Draft Radiological Emergency Preparedness Program Manual Planning Guidance

These documents reflect FEMA's overall plan for protective action during a radiological emergency when used in conjunction with one another. Whether it is organizational structure, funding, or geographic layout, the documents reflect that states have different resources available. We feel that we have used these documents as a platform to create planning procedures that protect all citizens who may face harm in the event of a radiological event in Massachusetts. We therefore believes Lawrence T. Christian's Petition for Rulemaking (Docket No. PRM-50-79) should be disregarded in its entirety.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen McGrail". The signature is fluid and cursive, with the first name "Stephen" and last name "McGrail" clearly distinguishable.

Stephen J. McGrail
Director

cc: Diane Brown-Couture, Nuclear Safety Director, MEMA